

1 AN ACT concerning wages.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Prevailing Wage Act is amended by
5 changing Section 11 as follows:

6 (820 ILCS 130/11) (from Ch. 48, par. 39s-11)

7 Sec. 11. No public works project shall be instituted
8 unless the provisions of this Act have been complied with.
9 The provisions of this Act shall not be applicable to Federal
10 construction projects which require a prevailing wage
11 determination by the United States Secretary of Labor. The
12 Illinois Department of Labor represented by the Attorney
13 General is empowered to sue for injunctive relief against the
14 awarding of any contract or the continuation of work under
15 any contract for public works at a time when the prevailing
16 wage prerequisites have not been met. Any contract for
17 public works awarded at a time when the prevailing wage
18 prerequisites had not been met shall be void as against
19 public policy and the contractor is prohibited from
20 recovering any damages for the voiding of the contract or
21 pursuant to the terms of the contract. The contractor is
22 limited to a claim for amounts actually paid for labor and
23 materials supplied to the public body. Where objections to a
24 determination of the prevailing rate of wages or a court
25 action relative thereto is pending, the public body shall not
26 continue work on the project unless sufficient funds are
27 available to pay increased wages if such are finally
28 determined or unless the Department of Labor certifies such
29 determination of the prevailing rate of wages as correct.
30 Each subcontractor must provide the general contractor with a
31 surety bond in an amount sufficient to pay the wages and

1 fringe benefits of the laborers, workers, and mechanics
2 employed by the subcontractor.

3 Any laborer, worker or mechanic employed by the
4 contractor or by any sub-contractor under him who is paid for
5 his services in a sum less than the stipulated rates for work
6 done under such contract, shall have a right of action for
7 whatever difference there may be between the amount so paid,
8 and the rates provided by the contract together with costs
9 and such reasonable attorney's fees as shall be allowed by
10 the court. Such contractor or subcontractor shall also be
11 liable to the Department of Labor for 20% of such
12 underpayments and shall be additionally liable to the
13 laborer, worker or mechanic for punitive damages in the
14 amount of 2% of the amount of any such penalty to the State
15 for underpayments for each month following the date of
16 payment during which such underpayments remain unpaid. The
17 Department shall also have a right of action on behalf of any
18 individual who has a right of action under this Section. An
19 action brought to recover same shall be deemed to be a suit
20 for wages, and any and all judgments entered therein shall
21 have the same force and effect as other judgments for wages.
22 At the request of any laborer, workman or mechanic employed
23 by the contractor or by any subcontractor under him who is
24 paid less than the prevailing wage rate required by this Act,
25 the Department of Labor may take an assignment of such wage
26 claim in trust for the assigning laborer, workman or mechanic
27 and may bring any legal action necessary to collect such
28 claim, and the contractor or subcontractor shall be required
29 to pay the costs incurred in collecting such claim.

30 (Source: P.A. 86-799)